

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHARLES RICHARD BOYER
and PAUL LEE BOYER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHARLES R. BOYER II,

Respondent-Appellant,

and

PAULA MARIE BOYER,

Respondent.

UNPUBLISHED

October 23, 2003

No. 247520

Oakland Circuit Court

Family Division

LC No. 01-657620-NA

Before: Bandstra, P.J., and Hoekstra and Borrello, JJ.

MEMORANDUM.

Respondent-appellant appeals from the order of the trial court terminating his parental rights to his minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument under MCR 7.214(E)(1)(b).

Respondent-appellant contends that the trial court erred in determining that termination was not contrary to the best interests of the children. After respondent-appellant pleaded no contest to the allegations of the petition for permanent custody, the trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A review of the evidence shows that termination of respondent-appellant's parental rights also was clearly not contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). In the approximately sixteen months that the case was pending before the trial court respondent-appellant was unsuccessful in addressing his substance abuse and failed to comply with most aspects of the parent-agency agreement.

Respondent-appellant also contends that the trial court was premature in its decision to terminate his parental rights. Respondent-appellant argues that because petitioner had not demonstrated that he was “incurably incapable” of parenting, termination was premature. We reject this argument. There is no requirement that a parent be found to be a hopeless case before termination is ordered. Rather, the trial court is obligated to order termination once a statutory ground for termination has been established by clear and convincing evidence unless contrary to the best interests of the child. MCL 712A.19b(5); *Trejo, supra*. We further note that in this case respondent-appellant pleaded no contest to the allegations of the petition and may not now challenge the sufficiency of the evidence supporting the finding of a statutory basis established by his plea.

We affirm.

/s/ Richard A. Bandstra
/s/ Joel P. Hoekstra
/s/ Stephen L. Borrello